

***United States Court of Appeals***  
FIFTH CIRCUIT  
OFFICE OF THE CLERK

**LYLE W. CAYCE**  
**CLERK**

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**NEW ORLEANS, LA 70130**

March 25, 2019

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 18-50484 Whole Woman's Health, et al v. Charles Smith  
USDC No. 1:16-CV-1300

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: \_\_\_\_\_  
Mary Frances Yeager, Deputy Clerk  
504-310-7686

Mr. Joshua Michael Blackman  
Mr. Daniel Howard Bloomberg  
Mr. Richard Arthur Bordelon  
Mr. David Patrick Brown  
Ms. Jeannette Clack, Clerk  
Mr. Joseph Charles Davis  
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Mr. Steven Charles Levatino  
Mr. Andrew Fairles MacRae  
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Mr. Daniel Ortner  
Mr. Eric C. Rassbach  
Ms. Caroline Marie Sacerdote  
Ms. Stephanie Toti  
Ms. Diana Verm  
Mr. Scott Weatherford

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No. 18-50484

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WHOLE WOMAN'S HEALTH; BROOKSIDE WOMEN'S MEDICAL CENTER, P.A., doing business as Brookside Women's Health Center and Austin Women's Health Center; LENDOL L. DAVIS, M.D.; ALAMO CITY SURGERY CENTER, P.L.L.C., doing business as Alamo Women's Reproductive Services; WHOLE WOMAN'S HEALTH ALLIANCE; DR. BHAVIK KHUMAR,

Plaintiffs - Appellees

v.

CHARLES SMITH, Executive Commissioner of the Texas Health and Human Services Commission, in his official capacity,

Defendant - Appellee

v.

TEXAS CATHOLIC CONFERENCE,

Movant - Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 1:16-cv-1300

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Before JONES, COSTA, and HO, Circuit Judges.

PER CURIAM:

No. 18-50484

IT IS ORDERED that the Texas Catholic Conference of Bishops' opposed motion for costs under Federal Rule of Civil Procedure 45 is DISMISSED without prejudice to the district court's consideration of all cost issues.

IT IS FURTHER ORDERED that, although the Texas Catholic Conference of Bishops has expressed sincere concerns given the contentious history of this issue, the motion to assign a different district judge to decide the valid Rule 45 motion for costs is DENIED.